SERVICE PLAN
2005/06 – 2007/08

Office of the Ombudsman
Province of British Columbia

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Ombudsman

Legislative Assembly
Province of British Columbia

May 30, 2005

The Honourable Claude Richmond
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria, BC V8V 1X4

Dear Mr. Speaker:

It is my pleasure to transmit herewith, to the Legislative Assembly of British Columbia, my Service Plan covering the fiscal years 2005/06 to 2007/08.

Yours truly,

Howard Kushner
Ombudsman
Province of British Columbia

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OMBUDSMAN'S STATEMENT

The role of the Office is to investigate complaints from members of the public about administrative actions or decisions of authorities. The Ombudsman's Office is one of the key institutions in a democracy for ensuring the provision of open and accountable decision-making. The Ombudsman is an Officer of the Legislature. As such, the Office of the Ombudsman is independent of government. The Ombudsman is not an advocate for complainants or defender of authorities. Rather the Ombudsman conducts confidential and impartial investigations and makes recommendations in situations where the authority is being unfair in the conduct of its business. The Ombudsman cannot order an authority to change a decision or practice but can expose unfair actions through reports to the legislature and the public. In the vast majority of situations where some unfairness might be found to have occurred, the authority carries out actions to rectify the situation and the file is closed without formal findings being made by the Office.

The Year 2004 marked the 25th Anniversary of the establishment of the Office of the Ombudsman in British Columbia. On July 1, 1979 Karl Friedmann was appointed as the first B.C. Ombudsman and on October 1, 1979 the Office opened its doors (and more importantly, its phones) to the public. Offices were opened in both Victoria and Vancouver. There was a total staff of 34 including 16 investigative positions and 4 intake positions. From October 1, 1979 to December 31, 1980 approximately 4,200 complaints and enquiries were received.

In Fiscal 2006 we will have a total staff of 34 (the same as in 1979), including 17 investigative positions and 5.6 Intake positions. In 2004, we received approximately 8,560 complaints and enquiries. We have one public access office in Victoria where we share space with the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner. We provide corporate support services and IT services to the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner. Although we no longer have a public access office in Vancouver, we have 6 telecommuting staff (5 investigators and 1 intake staff) in the lower Mainland. We have established a mobile intake service on the lower Mainland, traveling on a rotating basis to Abbotsford, Surrey, Port Coquitlam, Burnaby, Richmond and the North Shore.

The ***Ombudsman Act*** establishes jurisdiction for the Ombudsman to investigate a wide range of public authorities (see Appendix A). However the ***Ombudsman Act*** also provides the Ombudsman with discretion to determine which complaints will be investigated.

Between 2000 and 2003 the Office made significant strides in reducing the backlog of active complaints under investigation so that the caseload of each Investigative Officer is appropriate to allow high quality investigations. Unfortunately, during 2004 that trend reversed. This is a signal that our staffing levels may not be sufficient to keep up with the volume of complaints coming in the door (even though the annual volume has been decreasing).

Because of the past budget reductions, I found it necessary to use the discretionary authority under the ***Act*** to ensure that Investigative Officers did not once again become overwhelmed by their caseload. This means that investigations of complaints, against certain authorities, have not been occurring due to resource limitations. A modest increase in resources (2 FTEs) in fiscal 2006 coupled with the recent trend to a slightly lower number of new complaints may allow the Office to resume investigating these complaints.

One of the areas of special interest to me is "Public Awareness" of our Office. As I indicated in my 2003 Annual Report, a public survey was conducted by BC Stats on our behalf to determine the level of public awareness of our Office. The survey identified that 73% of the people polled had heard of our Office but only 19% knew what we actually did. In fiscal year 2005, our Office undertook two separate initiatives to increase public awareness.

Firstly, I continued my past practice of traveling to other areas of the Province. In June 2004, I, along with two staff, traveled to the Northwest part of the Province. We went to Prince Rupert, Terrace, Smithers, Houston, Burns Lake and Vanderhoof. We set up mini intake offices in each centre, allowing complainants to attend in person to meet with an Investigator and file a complaint. I also met with various authorities in each centre; including local government staff and officials; school staff and board members, Ministry staff; hospital staff; and Colleges or University staff.

Secondly, in 2004, we partnered with the Knowledge Network to produce three 5-minute videos about the work of the Office and some of the cases we have investigated. These three videos are being shown on the Knowledge Network as well as being accessible off of our website (www.ombudsman.bc.ca). We have also developed curriculum material for Social Studies 11 and Law 12 to use with the videos. Teachers of those subjects may choose to incorporate the videos and teaching materials into their classrooms.

These initiatives to increase public awareness will continue during fiscal year 2006.

To assist us in monitoring our efficiency and effectiveness, we have developed a number of performance measures. I am pleased to report again on some of these measures in this Service Plan. Additional performance measures information can be found in our Annual Report for 2004.

During this fiscal year, my current term as Ombudsman will end and the Legislature will decide on appointment of the Ombudsman for the next six years. The Office will also be updating its Strategic Plan to set a course reflecting goals and priorities for the next several years.

Howard Kushner
Ombudsman
Province of British Columbia

CORE BUSINESS AREAS

The Office of the Ombudsman has one Core Business Area and that is the **investigation of complaints** about the administrative decisions or actions of authorities.

RESOURCE SUMMARY

This section of the Service Plan shows the budget for the Office of the Ombudsman as recommended by the Select Standing Committee on Finance and Government Services along with a description of the service consequences that will flow from this level of funding.

DESCRIPTION	2004/05 * Restated Estimates	2005/06 - Estimates	2006/07 - Plan	2007/08 - Plan
FTE's (Actual)	31	34	32	32
Salaries & Benefits	$2,610,000	$2,849,000	$2,676,000	$2,676,000
Operating Costs	$577,000	$679,000	$628,000	$628,000
Recoveries	-$70,000	-$140,000	-$140,000	-$140,000
Total Expenses	$3,117,000	$3,388,000	$3,164,000	$3,164,000
Capital Expenses	$65,000	$65,000	$65,000	$65,000

* Includes authorized Supplementary Estimate of $20,000.

Key Features and Service Consequences

- Maintaining core services at the same level as in fiscal 2004-05.
- Continuing the Mobile Intake service introduced on a trial basis in the Lower Mainland during 2004.
- Increasing Investigative capacity through the temporary addition of two staff to address a growing backlog of complaint files and to allow investigation of complaints now being assigned to the holding queue if possible.
- Continuation of Shared offices and Shared Services between the Office of the Ombudsman, the Office of the Information and Protection of Privacy Commissioner, and the Office of the Police Complaint Commissioner in the areas of Financial, Payroll and Systems support.
- Maintaining six positions for the Investigative and Intake functions in the Lower Mainland on a telecommuting basis.
- Using the discretion provided in the ***Ombudsman Act***, the Ombudsman will establish a holding queue for new complaints against Local Government Authorities and Professional Associations. If and when capacity exists to investigate some of these complaints, the files will be assigned to Investigators.
- Elimination of the holding queue for new complaints about Schools and School Boards, Hospitals and Health Authorities, Colleges and Universities.
- Our continuing objective is to maintain high quality investigations of those complaints that are investigated but at the same time to maintain an acceptable balance in the workload to staff ratio.

VISION, MISSION AND VALUES

Vision

Fairness and Accountability
in
Public Administration
In
British Columbia

Mission

The mandate and function of the Office of the Ombudsman are set out in the ***Ombudsman Act***. The Ombudsman can investigate complaints about the administrative decisions or actions of authorities. Appendix A contains the Schedule of Authorities within the Ombudsman's jurisdiction.

Why we exist

- to ensure that every member of the public is treated fairly by authorities

Who we serve

- the public
- the Legislature of British Columbia

What we do

- respond to inquiries from the public
- conduct thorough, impartial and independent investigations of complaints
- consider possible resolution of complaints
- consult with, provide reasons and make recommendations to authorities to improve administrative practices
- promote fairness in public administration

Values

These values govern the way we do our work with the public, authorities and one another. The values are intended to be consistent with the principles of natural justice and administrative fairness, the ***Ombudsman Act***, the Canadian Charter of Rights and Freedoms and relevant international covenants, treaties and agreements.

Respect

Treating everyone with courtesy, dignity and respect.

Leadership

Promoting fairness, equity, clarity, innovation and consistency.

Equality

Promoting equality, inclusion and access for all persons.

Continuous Learning

Encouraging and valuing continuous learning.

Cooperation

Using cooperation, empathy and goodwill in our work.

Teamwork

Valuing the diversity of experience and talent of people who have a unity of purpose and commitment to success.

Integrity

Being independent, impartial and honest.

Accountability

Performing our duties in a timely, responsive and responsible manner, and measuring and reporting on our work.

GOALS, OBJECTIVES, STRATEGIES AND RESULTS

Goals

These four goals are the long-term results we want to achieve in fulfilling the mandate of the Office.

- **Thorough and Impartial Investigations**
- **High Quality Service**
- **High Morale in our Workplace**
- **Education and Public Awareness**

The relationship between the Vision, Goals, and Objectives for the Office of the Ombudsman is shown in the table below. In some cases more than one objective supports a particular goal and in other cases a single objective supports more than one goal.

On the following pages the strategies identified to achieve each of the Objectives are listed along with the key Performance Measures. Although it is difficult to identify performance measures that indicate directly whether or not the Vision is being achieved, two such measures have been identified and are shown at the end of this section.

VISION: ***Fairness and Accountability in Public Administration In British Columbia***				
OBJECTIVES	**GOALS**			
	Thorough & Impartial Investigations	**High Quality Service**	**High Morale In Our Workplace**	**Education & Public Awareness**
Broaden and enhance our understanding of Ombudsmanship and develop and implement actions to achieve high quality service on a continuous basis	**X**	**X**		
Refine our approach to the investigation and resolution of complaints	**X**	**X**		
Manage workload in the most efficient and fair manner possible, having regard for our statutory mandate and available resources		**X**	**X**	
Promote high morale in the workplace through effective communication and adherence to our Guiding Principles		**X**	**X**	
Broaden the public profile and improve external understanding of the role of the Ombudsman and administrative fairness through well-planned initiatives directed towards both the public and authorities			**X**	**X**

A comprehensive set of Performance Measures has been developed covering all components of the Office. The measures and targets identified in the following tables represent the key measures.

Objective 1

To broaden and enhance our understanding of Ombudsmanship and to develop and implement actions to achieve high quality service on a continuous basis.

Strategies

- Establish performance measures for investigative work and administrative and support components of the Office.
- Continue development and update of policies and procedures.
- Carry out and document review of work.
- Conduct and document regular performance reviews and prepare work plans.
- Enhance the quality and content of training.
- Encourage all individuals and teams to take responsibility in the training process through self-training, courses and development of materials.
- Continue training of all staff on issues of equality, diversity and accessibility.
- Establish and support consultation with colleagues in other Ombudsman offices.
- Develop a training package on administrative fairness and investigative skills.

Performance Measures, Targets, and Results

Measure	Value (Target)	Actual Performance
Performance measures are established and reviewed on an annual basis.	Yes	Yes
Policy and Procedures for key processes are in place and up to date.	Yes	Yes
Performance assessments are carried out on a routine basis.	Yes	Yes
Percentage of complainants giving our Office a rating of "satisfied" in relation to the process of investigation of their complaint. ***Note 1.***	> 85%	***Note 2.***
Percentage of authorities giving our office a rating of "satisfied" in relation to the process of investigation of complaints against them. ***Note 1.***	>85%	***Note 2.***
Percentage of people using the services of the Office who are satisfied with access capability by phone, fax, web, etc.	>90%	***Note 2.***

Note 1. *These measurements are intended to focus on satisfaction with the investigation process and were designed to attempt to isolate the influence of any disagreement with the investigation findings. Also the measurement includes factors that contribute to overall "satisfaction" such as courtesy, timeliness, communication, etc.*

Note 2. *These performance measurements were surveyed by BC Stats in 2003 using data for 2002. The results have previously been reported in the Fiscal 2005-07 Service Plan which can be viewed at www.ombudsman.bc.ca on the Office's website. Another survey of these performance measures may be carried out in 2005 if sufficient funds are available.*

Objective 2

To refine our approach to the investigation and resolution of complaints.

Strategies

- Enhance our understanding of investigative techniques through research, discussion, practice, and sharing of information about investigations and approaches to them.
- Define and develop investigative approaches that identify the underlying factors that cause unfairness, in addition to a focus on the resolution of individual complaints.
- Promote improvement of skills through development of materials and provision of training.

Performance Measures, Targets, and Results

Measure	Value (Target)	Actual Performance
Training and development opportunities are provided.	Yes	2004 - $25,198 direct costs for course registration and training related travel costs. Associated Salary Costs - $21,886
Staff are encouraged to enhance their individual skills.	Yes	2004 – 17 staff have participated in 74.25 training days

Objective 3

To manage workload in the most efficient and fair manner possible, having regard for our statutory mandate and available resources.

Strategies

- Improve caseload management and related case review and develop workload standards.
- Discuss and develop policy on the exercise of discretion under section 13 of the ***Ombudsman Act*** when determining whether or not to investigate a complaint.
- Provide time management training.
- Develop policy regarding secondment opportunities and filling temporary vacancies.
- Continue enhancement of the Case Tracker System and other computer support systems.

Performance Measures, Targets, and Results

Measure	Value (Target)	Actual Performance	
		2003	2004
Average cost per complaint Investigated. ***Note 3.***	Average inflation adjusted cost is steady or decreasing	$1,979 ***See Note 4.***	$1,987 ***See Note 5.***
Percentage of complaint files closed within 90 days of opening.	70%	83%	80%
Percentage of complaint files closed within 180 days of opening.	85%	91%	91%
Percentage of complaint files closed within 1 year of opening.	90%	96%	96%
Percentage of complaint files closed within 2 years of opening.	95%	98%	99%
Percentage of complaint files closed within 3 years of opening.	100%	99%	99.6%
Percentage of open complaint files more than 1 year old at the end of the specified calendar year.	2002 – less than 20% 2003 – less than 15% 2004 – less than 10%	23.5% 17%	 9%

Note 3*. In association with the performance measure reflecting the trend on the average cost per complaint investigated; an ancillary indicator will be calculated that will show the contingent cost associated with future investigation of backlogged complaint files.*

Note 4. *A baseline year of 2000 has been chosen based on available data. The cost per investigation in 2000 was $1,861. In 2001 the cost was $1,687 and in 2002 the cost was $1,805. All costs have been adjusted for inflation to year 2000 dollars. Complaints investigated include files closed by Investigators with investigation plus 30% of files closed without investigation, plus 10% of files closed by Intake Complaints Analysts.*

Note 5. *The contingent cost associated with potential future investigation of backlogged complaint files is estimated to be $358,000 based on the number of complaint files (180) that have been declined as a result of the budget related reduction in investigative capacity during 2004.*

Objective 4

To promote high morale in the workplace through effective communication and adherence to our Guiding Principles.

Strategies

- Review our Employment Equity Plan.
- Encourage acknowledgement of each other's efforts.
- Provide more public, office or team recognition of employees' achievements.
- Clarify expectations about workload and performance standards.
- Encourage staff development opportunities within the Office.
- Offer variation in tasks, duties and/or responsibilities.
- Recognize existence of stress and provide support in dealing with its negative effects.
- Develop policy regarding secondment opportunities.

Performance Measures, Targets, and Results

Measure	Value (Target)	Actual Performance
Percentage of staff who rate themselves as satisfied with their job and work environment.	>95%	***Note 6.***
Staff lost time due to illness or injury.	At or below the average for the BC Public Service.	2004 – 6.29 days/employee Public Service average 6.5 days/employee

Note 6. *These performance measurements were surveyed by BC Stats in 2003 using data for 2002. The results have previously been reported in the Fiscal 2005-07 Service Plan which can be viewed at www.ombudsman.bc.ca on the Office's website. Another survey of these performance measures may be carried out in 2005 if sufficient funds are available.*

Objective 5

To broaden the public profile and improve external understanding of the role of the Ombudsman and administrative fairness through well-planned initiatives directed towards both the public and authorities.

Strategies

- Post all public reports on our website.
- Increase opportunities for citizens to meet with the Ombudsman in their local communities.
- Provide information about available remedies on our Internet website.
- Promote and support establishment of a team-focused strategy to meet with authorities, at all levels, to discuss with and inform them about the role of the Office of the Ombudsman and administrative fairness.
- Update and maintain multilingual brochures.
- Review the Office's communications strategy.

Performance Measures, Targets, and Results

Measure	Value (Target)	Actual Performance
Percentage of people randomly surveyed who are aware of the Office of the Ombudsman.	Increases with each survey	***Note 7.***

Note 7. *These performance measurements were surveyed by BC Stats in 2003 using data for 2002. The results have previously been reported in the Fiscal 2005-07 Service Plan which can be viewed at www.ombudsman.bc.ca on the office's website. Another survey of these performance measures may be carried out in 2005 if sufficient funds are available.*

Vision

Fairness and Accountability in Public Administration In British Columbia

Performance Measures, Targets, and Results

Measure	Value (Target)	Actual Performance	
		2003	2004
Number of Investigations where the Authority refuses to accept the recommendations of the Office of the Ombudsman.	0	2	1
Number of complaint investigations that lead to a positive change in practice, policies, statutes, or regulations by authorities.	*	124	113

* *A target value cannot be set for this measure as the outcome varies with the type of complaints being investigated and it would be inconsistent with the need for unbiased investigations to set an arbitrary target. However, this measure is considered to be a useful indicator of the influence of the Ombudsman's recommendations on changes to the policies and practices of authorities.*

RELATED INITIATIVES AND PLANNING PROCESSES

Information Resource Management Plan

The Office of the Ombudsman maintains its own internal Information Systems capability for security and confidentiality reasons as required under the ***Ombudsman Act.***

No significant software development initiatives or hardware purchases are contemplated. Hardware and software is replaced on a routine three-year cycle with approximately 1/3 of the equipment being replaced each year in order to maintain reliability and performance requirements.

The Office of the Ombudsman Systems staff also provides systems support to the Office of the Information and Privacy Commissioner and the Office of the Police Complaint Commissioner. This support is being provided under a form of shared services agreements.

The closure of the Vancouver Office and implementation of telecommuters has resulted in the need to support staff in remote locations. This is being done effectively using VPN technology. The Office is reviewing the costs and benefits of Voice over IP technology to support the voice communication needs of the telecommuters and to enhance the complaint intake service.

The Office has developed over the years a sophisticated Case Tracker System that is the major systems tool supporting the work of the Office. The Office may enter into agreements with other similar offices to provide the Case Tracker System on a fee for service basis as a means to support the on-going enhancement of the system.

Human Resource Management Plan

The Office of the Ombudsman has not developed a separate Human Resource Management Plan. Rather the objectives, strategies, performance measures and targets related to Human Resource Management are integrated with the overall Strategic Plan for the Office.

The strategies that are included in the current strategic plan that relate primarily to Human Resource Management are restated below. Most of these strategies have been completed or are of a continuing nature. The strategies will be reviewed this year during the development of the new strategic plan for the next several years.

- Establish performance measures for investigative work and administrative and support components of the Office.
- Conduct and document regular performance reviews and prepare work plans.
- Promote improvement of skills through development of materials and provision of training.
- Encourage all individuals and teams to take responsibility in the training process through self-training, courses and development of materials.
- Continue training of all staff on issues of equality, diversity and accessibility.
- Develop a training package on administrative fairness and investigative skills.
- Encourage acknowledgement of each other's efforts.
- Provide more public, office or team recognition of employees' achievements.
- Clarify expectations about workload and performance standards.
- Encourage staff development opportunities within the Office.
- Offer variation in tasks, duties and/or responsibilities.
- Recognize existence of stress and provide support in dealing with its negative effects.
- Develop policy regarding secondment opportunities.

APPENDICES

Appendix A – Schedule of Authorities

SCHEDULE

AUTHORITIES

1. Ministries of the government.

2. A person, corporation, commission, board, bureau or authority who is or the majority of the members of which are, or the majority of the members of the board of management or board of directors of which are,
   (a) appointed by an Act, minister, the Lieutenant Governor in Council,
   (b) in the discharge of their duties, public officers or servants of the government, or
   (c) responsible to the government.

3. A corporation the ownership of which or a majority of the shares of which is vested in the government.

4. Municipalities.

5. Regional districts.

6. The Islands Trust established under the *Islands Trust Act*.

7. Improvement districts as defined in the *Local Government Act*.

8. The Capital Improvement District under the *Capital Commission Act*.

9. Boards, committees, commissions or similar bodies established under the *Community Charter*, the *Local Government Act* or the *Vancouver Charter*.

10 The Resort Municipality of Whistler and the Whistler Resort Association.

11 A local trust committee, the Trust Council, the Trust Fund Board and the executive committee and persons to whom their powers are delegated under the *Islands Trust Act*.

12 Library boards defined in the *Library Act*.

13 The Cultus Lake Park Board.

14 A greater board as defined in the *Community Charter*.

15 Development districts, water users' communities, comptroller and regional water manager under the *Water Act*.

16 The commissioners of a district defined in section 58 of the *Drainage, Ditch and Dike Act* and an engineer, commissioner, inspector of dikes or land settlement board acting under that Act.

17 The British Columbia Diking Authority and a diking authority under the *Dike Maintenance Act*.

18 The Okanagan Kootenay Sterile Insect Release Board.

19 Regional transit commissions established under the *British Columbia Transit Act*.

20 A corporation
   (a) more than 50% of the issued voting shares of which are owned by one or more of the authorities listed in section 4 to 19 or this section, or
   (b) that is controlled by one or more of the authorities listed in section 4 to 19 and, for the purpose of ascertaining control, a corporation is controlled by one or more of these authorities if a majority of the members of the corporation or of its board of directors or board of management consists of either or both of the following:
      (i) persons appointed as members by the authorities;
      (ii) officers or employees of an authority acting as such.

21 Schools and boards as defined in the *School Act*.

21.1 Francophone education authorities as defined in the *School Act* and francophone schools operated by francophone education authorities.

22 Universities as defined in the *University Act*.

23 The University of Northern British Columbia.

23.1 The Thompson Rivers University.

24 Royal Roads University.

25 Institutions as defined in the *College and Institute Act*.

26 Hospitals and boards of management of hospitals as defined in the *Hospital Act*.

27 Governing bodies of professional and occupational associations that are established or continued by an Act.

28 Regional Health Boards established under the *Health Authorities Act*.

29 Regional Hospital Districts under the *Hospital District Act*.

30 [Repealed 2002-35-11]

31 The Greater Vancouver Transportation Authority established under the *Greater Vancouver Transportation Authority Act*.

32 The Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Authority Act*.

Municipal Pension Board of Trustees.

Teachers' Pension Board of Trustees.

Public Service Pension Board of Trustees.

College Pension Board of Trustees.

The British Columbia Safety Authority established under the *Safety Authority Act*.

Mailing Address:

Office of the Ombudsman
756 Fort Street, 2nd Floor
PO Box 9039 Stn Prov Govt
Victoria BC V8W 9A5

Telephone:

General Inquiries: (250) 387-5855
Toll Free: 1-800-567-3247

Fax:

Fax: (250) 387-0198

Or visit our website at:

http://www.ombudsman.bc.ca